

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>JONATHAN D. GARLAND,</b>	)	<b>Civil Action No. 7:12-cv-00031</b>
<b>Petitioner,</b>	)	
	)	<b>ORDER</b>
<b>v.</b>	)	
	)	<b>By: Hon. Michael F. Urbanski</b>
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>United States District Judge</b>
<b>Respondent.</b>	)	

In accordance with the written Memorandum Opinion entered this day, it is hereby

**ORDERED**

that petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED without prejudice** for failure to exhaust state court remedies; a certificate of appealability is **DENIED**; all pending motions are **DENIED as moot**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to petitioner.

Entered: January 28, 2012

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge